

Chapter 13

OFFENSES*

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ARTICLE I. IN GENERAL

Sec. 13-1. Furnishing false identification to a police officer.

It shall be unlawful for any individual to furnish to a police officer false, forged, fictitious or misleading verbal or written information identifying the person as another person if the person is detained for a violation of any city ordinance or state law.

(Ord. No. 189, 12-5-89)

Editor's note—Ord. No. 189, adopted Dec. 5, 1989, not specifically amendatory of this Code, has been codified as § 13-1 at the discretion of the editor.

Secs. 13-2—13-20. Reserved.

ARTICLE II. OFFENSES AGAINST THE PERSON

Sec. 13-21. Assaulting, threatening, harassing, or intimidating behavior.

It shall be unlawful for any person to willfully commit an assault or an assault and battery within the city, nor shall any person or group of persons intentionally place another in reasonable fear of immediate harm through assaulting, threatening, harassing, or intimidating behavior. A person who violates this section is guilty of a misdemeanor.

(Ord. No. 98-4, § 1, 4-21-98)

State law references—Assaults, MCL 750.81 et seq.; MSA 28.276 et seq.

***Cross references**—Nuisances, Ch. 12; police, Ch. 18; traffic and motor vehicles, Ch. 23.

State law reference—Crimes, MSA title 28.

Sec. 13-22. Harassing communications.

It shall be unlawful for any person to maliciously use any service provided by a communications common carrier with intent to terrorize, frighten, intimidate, threaten, harass, molest or annoy any other person, or to disturb the peace and quiet of any other person by:

- (1) Threatening physical harm or damage to any person or property in the course of a telephone conversation;
- (2) Falsely and deliberately reporting by telephone or telegraph message that any person has been injured, has suddenly taken ill, has suffered death, or has been the victim or a crime or of an accident;
- (3) Deliberately refusing or failing to disengage a connection between a telephone and another telephone or between a telephone and other equipment provided for the transmission of messages by telephone, thereby interfering with any communications service;
- (4) Using any vulgar, indecent, obscene or offensive language or suggesting any lewd or lascivious act in the course of a telephone conversation.

(Ord. No. 119, §§ 1, 2, 5-16-67)

State law reference—Similar provisions, MCL 750.540e, MSA 28.808(5).

Sec. 13-23. Neglect of family.

It shall be unlawful for any person to have actually abandoned his wife or child, or either, or to neglect or refuse to provide for his family, spouse, or children.

(Ord. No. 92-B, § 1(A), 10-4-77)

State law reference—Such person deemed a disorderly person, MCL 750.167 (1)(a), MSA 28.364 (1)(a).

Secs. 13-24—13-44. Reserved.**ARTICLE III. OFFENSES AGAINST PROPERTY****Sec. 13-45. Defacing of property; graffiti.**

For the purpose of this subsection, "deface" means the placement, without consent, of any drawing, inscription, initial, design, scribbling, motto, message, name or picture, including those commonly known as graffiti, on an object or surface.

- (1) a. It shall be unlawful for any person to use any paint, spray paint, pigment, tools, objects, or any other similar means to injure, deface, or destroy the property of another, including the making of any drawing, inscription, initial, design, scribbling, motto, name, picture, pictograph, or other marking's commonly referred to as "graffiti".
- b. As used in this subsection, the term "spray paint" means any container of paint, varnish, lacquer, stain or similar substance commonly used in painting and propelled by compressed air, aerosol or other propellant and applied by a spraying method or similar technique.

- c. Except as otherwise provided, a person under eighteen (18) years of age shall possess, buy or give to another any spray paint. Except as otherwise provided, a person shall not sell or give spray paint to another person under eighteen (18) years of age. However, a person may sell or give spray paint to a person under eighteen (18) years of age for lawful uses, if the juvenile exhibits the written consent therefore of his or her parent or guardian. Violation of this section shall be deemed a misdemeanor.

- (2) It shall be the responsibility of the owner of any property marked or defaced as defined in this section to remove or paint over such markings within seven days after discovery or their existence so as to minimize the addition of further markings and other blight upon the property. If removal is delayed by extenuating circumstances such as infirmity, or financial inability, the property owner may petition (the police) for a time extension. Any owner removing markings pursuant to this section shall be entitled to restitution in an amount determined by the court for the cost of removing the markings. Restitution shall be paid by any person convicted under this section of making the markings. If the individual defacing the property is under eighteen (18) years of age, to the extent practical, the individual shall be required to restore the premises. Violations of this section shall be deemed a municipal civil infraction.

(Ord. No. 98-4, §§ 2, 4-21-98)

Sec. 13-46. Malicious mischief.

It shall be unlawful for any person to willfully and maliciously destroy or injure the personal property of another, resulting in damages of one hundred dollars (\$100.00) or less.

(Ord. No. 150, § 1, 1-17-78)

Cross reference-Damaging and defacing park property, § 15-1.

State law reference-Malicious mischief, MCL 759-377 et seq., MSA 28.609 et seq.

Sec. 13-47. Fraud.

It shall be unlawful for any person to engage in any fraudulent scheme, device or trick to obtain money or other valuable thing in any place in the city or aid or abet or in any manner be concerned therein.

(Ord. No. 92-B, § 1(H), 10-4-77)

State law references-False pretenses and false representation, MCL 750.217a et seq., MSA 28.414(1) et seq.; gross fraud and cheats, MCL 759.280, MSA 28.491.

Sec. 13-48. Larceny.

It shall be unlawful for any person to commit the crime of larceny by stealing from any dwelling house, house trailer, automobile, truck or other vehicle, office, store, business place, gasoline service station, shop, warehouse, mill, factory, hotel school, barn, ship, boat, vessel, church, house of worship, locker room or any building used by the public, or to commit the crime of larceny anywhere within the limits of the city.
(Ord. No. 92-B, § 1(N), 10-4-77)

State law reference-Larceny, MCL 750.356 et seq., MSA 28.588 et seq.

Sec. 13-49. Instruments of crime; possession.

It shall be unlawful for any person to have in his possession in the city any tool or instrument used for the commission of burglary, larceny or the picking of locks or pockets, or any articles used for obtaining money or property under false pretenses and who cannot give a good account for the possession of the same.
(Ord. No. 92-B, § 1(O), 10-4-77)

State law reference-Possession of burglar's tools, MCL 750.1167 et seq., MSA 28.311.

Sec. 13-50. Trespassing.

Any person who shall willfully enter upon the lands or premises of another without lawful authority after having been forbidden to do so by the owner or occupant or agent or servant of the owner or occupant, or any person being upon the land or premises of another, upon being notified to depart therefrom by the owner or occupant or the agent or servant of either, who without lawful authority neglects or refuses to depart therefrom, shall be guilty of a misdemeanor.
(Ord. No. 173, 6-7-88)

Editor's note-Ord. No. 173, adopted June 7, 1988, not specifically amendatory of the Code, has been included herein as § 13-50 at the discretion of the editor.

ARTICLE IV. OFFENSES AGAINST PUBLIC PEACE***Sec. 13-51. Obstruction of passage.**

It shall be unlawful for any person to collect or stand or crowd in front of or about any church or place of worship in the city, during service, or the gathering or departing of the congregation, or to collect or stand in crowds or loiter about or obstruct free and uninterrupted passage of any sidewalk in the city, or in any hall, stairway, public hall or building in the city after being told to move on by a police officer or person in charge of the premises.
(Ord. No. 92-B, § 1(G), 10-4-77)

***Cross reference**-Threatening or disturbing behavior in park, § 15-7.

Sec. 13-52. Disorderly intoxication.

It shall be unlawful for any person to be intoxicated in a public place and to be either endangering directly the safety of another person or of property or acting in a manner that causes a public disturbance.

(Ord. No. 92-B, § 1(D), 10-4-77; Ord. of 3-7-78, § 1)

State law reference—Such person deemed a disorderly person, MCL 750.167(1)(e), MSA 28.364(e).

Sec. 13-53. Fighting or other disturbance.

It shall be unlawful for any person to make any improper noise, disturbance or riot, or to engage in any illegal or improper diversion.

(Ord. No. 92-B, § 1(B), (E), 10-4-77)

Sec. 13-54. Unlawful assembly.

It shall be unlawful for any person to collect in crowds and bodies for unlawful and mischievous purposes in any place in the city.

(Ord. No. 92-B, § 1(D), 10-4-77; Ord. of 3-7-78, § 1)

State law reference—Riots and unlawful assemblies, MCL 752.541 et seq., MSA 28.790(1) et seq.

Sec. 13-55. Disorderly houses.

It shall be unlawful for any person to permit any indecent, loud, boisterous or improper noise or disturbance in or about his house, tavern, inn, saloon, cellar, shop, office or other place of residence or place of business, or permit any persons to congregate in such house, tavern, inn, saloon, cellar, shop, office or residence within this city, to the disturbance or annoyance of citizens or others, or permit drunkards, gamblers, prostitutes or other disorderly persons to resort or congregate in or about such house, tavern, inn, saloon, cellar, shop, office or residence.

(Ord. No. 161, § 1, 4-7-87)

Sec. 13-56. Curfew for minors; exceptions.

(a) No minor shall be upon any of the public streets or alleys of the city, nor shall such person loiter or linger about any of the public buildings or private business places of the city after the hour of 10:00 p.m., of any day, unless such person has attained the age of sixteen (16) years.

(b) No minor aged sixteen (16) years but not yet seventeen (17) shall be upon any of the public streets or alleys of the city nor shall such person loiter or linger about any of the public buildings or business places of the city after the hour of 11:00 p.m., of any day.

(c) No minor aged seventeen (17) years but not yet eighteen (18) shall be upon any of the public streets or alleys of the city, nor shall such person loiter or linger about any of the public buildings or business places of the city after 12:00 midnight of any day.

(d) No minor shall be upon any of the public streets or alleys of the city, nor shall such person loiter or linger about any of the public buildings or business places of the city before the hour of 5:00 a.m., of any day.

(e) The restrictions of this section shall not apply to a minor in the company of his parent, guardian or some person of mature age with the express consent of the parent or guardian. The provisions of this section shall also not apply to minors engaged in or going to or from lawful employment requiring them to be upon the streets after or before such hours.

(f) It shall be the duty of the parents or guardians of the minor children to restrict their children from the streets in the evening in compliance with this section. If any minor is arrested for violation of this section, the parent or guardian shall be prima facie guilty of violation of this section.

(Ord. No. 91A, §§ 1, 2, 5-2-73)

Sec. 13-57. Disorderly conduct aboard vessels.

It shall be unlawful for any person to permit any indecent, loud, boisterous or improper noise or disturbance on any ship, vessel, or pleasure boat owned by him or her and located within the city, to the disturbance or annoyance of citizens or others.

Sec. 13-58. Obstructing, etc., peace officer.

No person shall resist, obstruct, hinder, oppose or refuse to obey the lawful order of any member of the police force or any peace officer in the discharge of his duties as such. (Ord. No. 188, 8-2-89)

Editor's notes-Ord. No. 188, adopted Aug. 2, 1989, amended this Code by adding provisions to be included as § 13-59; at the discretion of the editor, such provisions have been added as §13-58, the next available section.

Sec. 13-59. Prowling.

No person shall prowl about the private premises of any other person in the nighttime without prior authority or prior permission of the owner or occupant of such premises. (Ord. No. 187, 8-2-89)

Editor's notes-Ord. No. 187, adopted Aug. 2, 1989, amended this Code by adding provisions to be included as § 13-61; at the discretion of the editor, such provisions have been added as § 13-59, the next available section.

Sec. 13-60. Anti-noise regulations.

(a) No person, firm, or corporation shall cause or create any unreasonable or improper noise or disturbance, injurious to the health, peace or quiet of the residents and property owners of the City of Algonac.

(b) The following noises and disturbances are hereby declared to be a violation of this ordinance; provided, however, that the specifications of the same are not thereby to be construed to exclude other violations of the ordinance not specifically enumerated:

- (1) The sounding of any horn or signal device on any automobile, motorcycle, bus, or other vehicle for any purpose other than to avoid an accident or collision.
- (2) The playing of any radio, phonograph or any musical instrument in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of other persons.
- (3) Yelling, shouting, hooting or singing on the public streets between the hours of 11:00 p.m. and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of any person in the vicinity.
- (4) The keeping of any animal, bird or fowl which emanates frequent or extended noise which shall disturb the quiet, comfort and repose of any person in the vicinity.
- (5) The operation of any automobile, motorcycle, or other vehicle so out of repair, so loaded or constructed as to cause loud or unnecessary grating, grinding, rattling, exhausting, or other noise disturbing the quiet, comfort or repose of other persons.
- (6) The operation of any steam whistle attached to a boiler of any type except for the purpose of giving notice of the time to begin or stop work or as a warning of fire of there danger, or for other purposes upon danger, or for other purposes upon special permit therefore from the city council.
- (7) The discharging outside of any enclosed building of the exhaust of any steam engine, internal combustion engine, motor vehicle, or motorboat engine except through a muffler or other similar device which will effectively prevent loud or explosive noises resulting therefrom or discharging outside of any enclosed building or any air-operated device unless inspected and approved by the building inspector.
- (8) The erection, excavation, demolition, alteration, or reconstruction of any building or premises in any platted residential district or section of the city, including the streets and highways therein, in such a manner as to manage noise or disturbance unreasonably annoying to other persons, other than between the hours of 6:00 a.m. and sundown on weekdays, except in the cause of urgent necessity, in the interest of public health and safety, upon receipt of a permit thereof from the building inspector of the city, which permit shall limit the period that the activity may continue.
- (9) The emission or creation of any excessive noises on any street which unreasonably interferes with the operation of any school or church.
- (10) The creation of any loud or excessive noise, unreasonably disturbing to other persons in the vicinity in connection with the loading or unloading of any vehicle, trailer, or other carrier, or in connection with the opening or destruction of bales, boxes, crates, or other containers.

- (11) The use of any drum, loudspeaker, or other instrument or device for the purpose of attracting attention to any performance, show, sale or display of merchandise which, by the creation of such noise, shall be unreasonably disturbing to other persons in the vicinity.
- (12) The operation between 10:00 p.m. and 9:00 a.m. of any obstacle course or race track for motorcycles, or vehicles of any kind or nature in any area of the city not specially zoned for such an operation and/or where the noise emanating therefrom would be unreasonably disturbing and annoying to other persons in the vicinity.
- (c) None of the prohibitions hereinbefore enumerated shall apply to any of the following:
 - (1) Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities.
 - (2) Excavation or repair of bridges, streets or highways by or on behalf of the City of Algonac, State of Michigan, or the County of St. Clair between the hours of 6:00 p.m. and 7:00 a.m. when the public welfare, safety and convenience render it impossible to perform such work during other hours.

(d) The provisions of this section are deemed to be in addition to the noise regulations set out in sections 4-34, 13-57, 14-31 (a) (17), 15-15, 16-22, 23-74 and 23-106 and this section shall not be held to repeal the sections enumerated herein.
(Ord. No. 200, 4-16-91)

Sec. 13-61 –13.80. Reserved.

ARTICLE V. OFFENSES AGAINST PUBLIC MORALS

Sec. 13-81. Prostitution.

(a) It shall be unlawful for any person to accost, solicit or invite another in any public place or in or from any building or vehicle by work, gesture or any other means to commit or afford an opportunity to commit prostitution or to do any act involving the touching or contacting of the genitals of another. It shall be unlawful for any person to engage or offer to engage the services of another person for an act of prostitution, or an act involving the touching or contacting of the genitals of or by another, by the payment in money or other forms of consideration.

(b) This section does not apply to law enforcement officers in the performance of their duties as a law enforcement officer.

(Ord. No. 92-B, § 1(C), 10-4-77; Ord. of 3-7-78, § 1)

State law references-Prostitution, MCL 750.448 et seq., MSA 28.703 et seq.

Sec. 13-82. Indecent exposure.

It shall be unlawful for any person to make any indecent exposure of his person in any street, lane, alley or elsewhere in the city.
(Ord. No. 92-B, § 1(F), 10-4-77)

State law reference-Similar provisions, MCL 759.335a, MSA 28.567(1).

Sec. 13-83. Indecent conduct.

It shall be unlawful for any person to commit any indecent conduct or behavior in any place in the city.
(Ord. No. 92-B, § 1(B), 10-4-77)

State law reference-Such person deemed a disorderly person, MCL 750.167(1)(f), MSA 28.364(1)(f).

Sec. 13-84. Gambling.

It shall be unlawful for any person to engage in any gambling game or game of chance in the streets or public places of the city.
(Ord. No. 92-B, § 1(I), 10-4-77)

State law reference-Gambling, MCL 750.301 et seq., MSA 28.533 et seq.

Secs. 13-85 – 12-105. Reserved.

ARTICLE VI. OFFENSES AGAINST PUBLIC SAFETY*

Sec. 13-106. Weapons.

It is unlawful for any person to shoot a BB gun, bow and arrow, slingshot or to use a firearm within the city.
(Ord. No. 100, § 1, 7-6-59)

State law reference-Firearms and weapons, MCL 28.421 et seq., 750.222 et seq., MSA 28.91 et seq., 28.419 et seq.

Sec. 13-107. Toy guns and explosives.

It shall be unlawful for any person to offer for sale, expose for sale, sell, have in their possession, give, furnish, transport, use, explode or cause to explode any blank cartridge, toy pistol, toy canon, toy cane or toy gun, fireworks or other types of explosives, except of the type and under the conditions permitted by state law.
(Ord. No. 92-B, § 1(M), 10-4-77)

State law reference-Fireworks, MCL 750.243 et seq., MSA 28.440(1) et seq.

Secs. 13-108 – 13-130. Reserved.

*Cross reference-Use of firearms in parks, § 15-6.

**ARTICLE VII. OFFENSES PERTAINING TO ALCOHOLIC LIQUORS
AND CONTROLLED SUBSTANCES*****DIVISION 1. GENERALLY****Sec. 13-131. Consumption on unlicensed premises.**

No alcoholic liquors shall be consumed in any public place, street, alley, park, parking lot or place of amusement not licensed to allow such consumption by the state liquor control commission in the city.

(Ord. No. 148A, § 1, 7-17-79)

State law reference-Similar provisions, MCL 439.34, MSA 18.1005.

Sec. 13-132. Consumption at merchant businesses.

No merchant operating a place of business shall permit the consumption of alcoholic liquor upon his premises unless licensed to do so by the state liquor control commission.

(Ord. No. 148A, § 2, 7-17-79)

Sec. 13-133. Open containers in vehicles.

(a) No person shall transport or possess any alcoholic liquor in a container which is open, uncapped, or upon which the seal is broken, within the passenger compartment of a vehicle on a highway or street within the city. If the vehicle does not have a trunk or compartment separate from the passenger compartment, a container which is open, uncapped or upon which the seal is broken shall be encased or enclosed.

(b) This section does not apply to any chartered passenger vehicle licensed by the state public service commission.

(Ord. No. 148A, § 3, 7-17-79)

State law reference-Similar provisions, MCL 436.34a, MSA 18.1005(1).

Sec. 13-134. Use or possession of marijuana prohibited.

It shall be unlawful for any individual to use or have in his or her possession or under his or her control marijuana or cannabis as defined by MCL 333.7106 unless pursuant to a valid prescription or except as otherwise authorized by Article 7 of the Public Health Code.

(Ord. No. 190, 12-5-89)

Editor's note-Ord. No. 190, adopted Dec. 5, 1989, not specifically amendatory of this Code, has been codified as § 13-134 at the discretion of the editor.

Sec. 13—135 – 13-155. Reserved.

***Cross references**-Alcohol and controlled substances in parks, § 15-4; alcoholic liquor in shopping center parking lots, § 23-108.

State law references-Liquor control act, MCL 436.1 et seq., MSA 18.971 et seq.; controlled substances, MCL 333.7101 et seq., MSA 12.15(7101) et seq.

- (11) The use of any drum, loudspeaker, or other instrument or device for the purpose of attracting attention to any performance, show, sale or display of merchandise which, by the creation of such noise, shall be unreasonably disturbing to other persons in the vicinity.
 - (12) The operation between 10:00 p.m. and 9:00 a.m. of any obstacle course or race track for motorcycles, or vehicles of any kind or nature in any area of the city not specially zoned for such an operation and/or where the noise emanating therefrom would be unreasonably disturbing and annoying to other persons in the vicinity.
- (c) None of the prohibitions herein before enumerated shall apply to any of the following:
- (1) Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities.
 - (2) Excavation or repair of bridges, streets or highways by or on behalf of the City of Algonac, State of Michigan, or the County of St. Clair between the hours of 6:00 p.m. and 7:00 a.m. when the public welfare, safety and convenience render it impossible to perform such work during other hours.
- (d) The provisions of this section are deemed to be in addition to the noise regulations set out in sections 4-35, 13-57, 14-31 (a) (17), 15-15, 16-22, 23-74 and 23-106 and this section shall not be held to repeal the sections enumerated herein.
- (Ord. No. 200, 4-16-91)

Secs. 13-61—13-80. Reserved.

ARTICLE V. OFFENSES AGAINST PUBLIC MORALS

Sec. 13-81. Prostitution.

(a) It shall be unlawful for any person to accost, solicit or invite another in any public place or in or from any building or vehicle by word, gesture or any other means to commit or afford an opportunity to commit prostitution or to do any act involving the touching or contacting of the genitals of another. It shall be unlawful for any person to engage or offer to engage the services of another person for an act of prostitution, or an act involving the touching or contacting of the genitals of or by another, by the payment in money or other forms of consideration.

(b) This section does not apply to law enforcement officers in the performance of their duties as a law enforcement officer.

(Ord. No. 92-13, § 1(C), 10-4-77; Ord. of 3-7-78, § 1)

State law reference—Prostitution, MCL 750.448 et seq., MSA 28.703 et seq.

Sec. 13-82. Indecent exposure.

It shall be unlawful for any person to make any indecent exposure of his person in any street, lane, alley or elsewhere in the city.

(Ord. No. 92-B, § 1(F), 10-4-77)

State law reference—Similar provisions, MCL 750.335a, MSA 28.567(1).

Sec. 13-83. Indecent conduct.

It shall be unlawful for any person to commit any indecent conduct or behavior in any place in the city.

(Ord. No. 92-B, § 1(B), 10-4-77)

State law reference—Such person deemed a disorderly person, MCL 750.167(1)(f), MSA 28.364(1)(f).

Sec. 13-84. Gambling.

It shall be unlawful for any person to engage in any gambling game or game of chance in the streets or public places of the city.

(Ord. No. 92-B, § 1(I), 10-4-77)

State law reference—Gambling, MCL 750.301 et seq., MSA 28.533 et seq.

Secs. 13-85—13-105. Reserved.

ARTICLE VI. OFFENSES AGAINST PUBLIC SAFETY*

Sec. 13-106. Discharging firearms, air guns, etc.; penalty; transporting air guns, spring guns, and similar devices in vehicles; possessing, showing, displaying toy guns, starter pistols, blank guns or similar devices.

(a) No person shall discharge any firearm, spring gun, slingshot, bow and arrow or other device capable of or designed to discharge any shot, pellet or missile likely to inflict bodily injury, in the city, except when lawfully acting, in the defense of persons or property or the enforcement of law or at a duly established range, the operation of which has been approved by the city council. Provided also, that bow and arrow instruction will be allowed at an approved site under supervision of a qualified instructor as part of the curriculum of an accredited education system and, with appropriate indemnification of the city approved by the city legal department.

(b) No person shall transport or possess in or upon a motor vehicle or any selfpropelled vehicle designed for land travel, within the city, any air gun, spring gun or other device capable of or designed to discharge any shot, pellet, or missile likely to inflict bodily injury and/or property damage, unless the device is unloaded and is one or more of the following:

- (1) Disassembled;

***Cross reference**—Use of firearms in parks, § 15-6.

- (2) Enclosed in a case;
- (3) Carried in the trunk of the vehicle;
- (4) Inaccessible from the interior of the vehicle.

(c) No person shall possess or show or display a gun, a toy gun, starter pistol, blank gun, or devices of similar nature in a non-threatening manner, but with the intent to convey the impression to a person that the gun, toy gun, starter pistol, blank gun or similar device is actually a lethal weapon capable of causing a reasonable person to believe that the person possessing said object is armed with a dangerous weapon.

(d) No person under eighteen (18) years of age shall use or possess any handgun designed and manufactured exclusively for propelling BB's not exceeding .177 caliber by means of spring, gas or air, outside the curtilage of his domicile unless he is accompanied by a parent, legal guardian, or their designee.

(Ord. No. 100, § 1, 7-6-59; Ord. No. 98-4, § 3, 4-21-98)

State law reference—Firearms and weapons, MCL 28 421 et seq., 750.222 et seq., MSA 28.91 et seq., 28.419 et seq.

Sec. 13-107. Toy guns and explosives.

It shall be unlawful for any person to offer for sale, expose for sale, sell, have in their possession, give, furnish, transport, use, explode or cause to explode any blank cartridge, toy pistol, toy cannon, toy cane or toy gun, fireworks or other types of explosives, except of the type and under the conditions permitted by state law.

(Ord. No. 92-B, § 1(M), 10-4-77)

State law reference—Fireworks, MCL 750.243 et seq., MSA 28.440(1) et seq.

Secs. 13-108—13-130. Reserved.

ARTICLE VII. OFFENSES PERTAINING TO ALCOHOLIC LIQUORS AND CONTROLLED SUBSTANCES*

DIVISION 1. GENERALLY

Sec. 13-131. Consumption on unlicensed premises.

No alcoholic liquors shall be consumed in any public place, street, alley, park, parking lot or place of amusement not licensed to allow such consumption by the state liquor control commission in the city.

(Ord. No. 148A, § 1, 7-17-79)

State law reference—Similar provisions, MCL 436.34, MSA 18.1005.

***Cross references**—Alcohol and controlled substances in parks, § 15-4; alcoholic liquor in shopping center parking lots, § 23-108.

State law references—Liquor control act, MCL 436.1 et seq., MSA 18.971 et seq.; controlled substances, MCL 333.7101 et seq., MSA 14.15(7101) et seq.

Sec. 13-132. Consumption at merchant businesses.

No merchant operating a place of business shall permit the consumption of alcoholic liquor upon his premises unless licensed to do so by the state liquor control commission.
(Ord. No. 148A, § 2, 7-17-79)

Sec. 13-133. Open containers in vehicles.

(a) No person shall transport or possess any alcoholic liquor in a container which is open, uncapped, or upon which the seal is broken, within the passenger compartment of a vehicle on a highway or street within the city. If the vehicle does not have a trunk or compartment separate from the passenger compartment, a container which is open, uncapped or upon which the seal is broken shall be encased or enclosed.

(b) This section does not apply to any chartered passenger vehicle licensed by the state public service commission.
(Ord. No. 148A, § 3, 7-17-79)

State law reference—Similar provisions, MCL 436.34a, MSA 18.1005(1)

Sec. 13-134. Use or possession of marijuana prohibited.

It shall be unlawful for any individual to use or have in his or her possession or under his or her control marijuana or cannabis as defined by MCL 333.7106 unless pursuant to a valid prescription or except as otherwise authorized by Article 7 of the Public Health Code.
(Ord. No. 190, 12-5-89)

Editor's note—Ord. No. 190, adopted Dec. 5, 1989, not specifically amendatory of this Code, has been codified as § 13-134 at the discretion of the editor.

Secs. 13-135—13-155. Reserved.

DIVISION 2. USE OF ALCOHOLIC LIQUORS BY UNDERAGED PERSONS

Sec. 13-156. Establishments.

It shall be unlawful for any person under eighteen (18) years of age to keep, frequent or attend any place where alcoholic liquors are sold, stored, kept or furnished in the city, other than private residences.
(Ord. No. 92-B, § 1(J), 10-4-77)

Sec. 13-157. Purchase, possession, or consumption of alcohol by persons under the age of twenty-one (21).

(a) A person less than twenty-one (21) years of age shall not purchase or attempt to purchase alcoholic liquor, consume or attempt to consume alcoholic liquor, or possess or attempt to possess alcoholic liquor, except as provided in this section and MCL 436.33A(1). A person less than twenty-one (21) years of age who violates this subsection is guilty of a misdemeanor punishable by the following fines and sanctions:

- (1) For the first violation, a fine of not more than one hundred dollars (\$100.00) and may be ordered to participate in substance abuse prevention or substance abuse treatment

and rehabilitation services as defined in MCL 333.6107, and designated by the administrator of substance abuse services, and may be ordered to perform community service and to undergo substance abuse screening and assessment at his or her own expense as described in subsection (c).

- (2) For a second violation, a fine of not more than two hundred dollars (\$200.00) and may be ordered to participate in a substance abuse prevention or substance abuse treatment and rehabilitation services as defined in MCL 333.6107 and designated by the administrator of substance abuse services, to perform community service, and to undergo substance abuse screening and assessment at his or her own expense as described in subsection (c). The person is also subject to sanctions against his or her operator's or chauffeur's license imposed in subsection (d).
- (3) For a third or subsequent violation, a fine of not more than five hundred dollars (\$500.00) and may be ordered to participate in substance abuse prevention or substance abuse treatment and rehabilitation services as defined in MCL 333.6107, and designated by the administrator of substance abuse services, to perform community service and to undergo substance abuse screening and assessment at his or her own expense as described in subsection (c). The person is also subject to sanctions against his or her operator's or chauffeur's license imposed in subsection (d).

(b) A person who furnishes fraudulent identification to a person less than twenty-one (21) years of age, or notwithstanding subsection (a) a person less than twenty-one (21) years of age who uses fraudulent identification to purchase alcoholic liquor, is guilty of a misdemeanor. The court shall order the secretary of state to suspend, pursuant to MCL 257.319, for a period of ninety (90) days, the operator or chauffeur license of a person who is convicted of furnishing or using fraudulent identification in violation of this subsection and the operator or chauffeur license of that person shall be surrendered to the court. The court shall immediately forward the surrendered license and an abstract of conviction to the secretary of state. A suspension ordered under this subsection shall be in addition to any other suspension of the person's operator or chauffeur license.

(c) The court may order the person found violating subsection (a) to undergo screening and assessment by a person or agency as designated by the substance abuse coordinating agency as defined in MCL 333.6104, in order to determine whether the person is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs.

(d) Immediately upon the entry of a conviction or a probate court disposition for a violation of subsection (a), the court shall consider all prior convictions or probate court dispositions of subsection (a), or a local ordinance or law of this state or another state substantially corresponding to subsection (a), and shall impose the following sanctions:

- (1) If the court finds that the person has one (1) such prior conviction or probate court disposition, the court shall order the secretary of state to suspend the operator's or chauffeur's license of the person for a period of not less than ninety (90) days or more

than one hundred eighty (180) days. The court may order the secretary of state to issue to the person a restricted license after the first thirty (30) days of the period of suspension in the manner described in subsection (e). In the case of a person who does not possess an operator's or chauffeur's license, the secretary of state shall deny the application for an operator's or chauffeur's license for the applicable suspension period.

- (2) If the court finds that the person has two (2) or more such prior convictions or probate court dispositions, the court shall order the secretary of state to suspend the operator's or chauffeur's license of the person for a period of not less than one hundred eighty (180) days or more than 1 year. The court may order the secretary of state to issue to the person a restricted license after the first sixty (60) days of the period of suspension in the manner described in subsection (e) and MCL 257.319. In the case of a person who does not possess an operator's or chauffeur's license, the secretary of state shall deny the application for an operator's or chauffeur's license for the applicable suspension period.

(e) In those cases in which a restricted license is allowed under this section, the court shall not order the secretary of state to issue a restricted license unless the person states under oath, and the court finds based upon the record in open court, that the person is unable to take public transportation to and from his or her work location, place of alcohol or drug education treatment, probation department, court-ordered community service program, or educational institution, and does not have any family members or others able to provide transportation. The court order under subsection (d) and the restricted license shall indicate the work location of the person to whom it is issued, the approved route or routes and permitted times of travel, and shall permit the person to whom it is issued only to do one or more of the following:

- (1) Drive to and from the person's residence and work location.
- (2) Drive in the course of the person's employment or occupation.
- (3) Drive to and from the person's residence and an alcohol or drug education or treatment program as ordered by the court.
- (4) Drive to and from the person's residence and the court probation department, or a court-ordered community service program, or both.
- (5) Drive to and from the person's residence and an educational institution at which the person is enrolled as a student.

(f) If license sanctions are imposed, immediately upon the entry of a court-ordered sanction pursuant to subsection (d), the court shall order the person convicted for the violation to surrender to the court his or her operator's or chauffeur's license. The court shall immediately forward a notice of court-ordered license sanctions to the secretary of state. If the license is not forwarded to the secretary of state, an explanation of the reason why the license is absent shall be attached. If the finding is appealed to the circuit court, the court may ex parte, order the secretary of state to stay the suspension issued pursuant to this section pending the outcome of the appeal. Immediately following imposition of the sanction, the court shall forward a notice to the secretary of state indicating the sanction imposed.

(g) A peace officer who has reasonable cause to believe a person less than twenty-one (21) years of age has consumed alcoholic liquor may require the person to submit to a preliminary chemical breath analysis. A peace officer may arrest a person based in whole or in part upon the results of a preliminary chemical breath analysis. The results of a preliminary chemical breath analysis or other acceptable blood alcohol test are admissible in a criminal prosecution to determine whether the person less than twenty-one (21) years of age has consumed or possessed alcoholic liquor. A person less than twenty-one (21) years of age who refuses to submit to a preliminary chemical breath test analysis as required in this subsection is responsible for a civil infraction and may be ordered to pay a civil fine of not more than one hundred (\$100.00).

(h) A law enforcement agency, upon determining that a person less than eighteen (18) years of age who is not emancipated pursuant to Public Act No. 293 of 1968, being MCL 722.1 to 722.6, allegedly consumed, possessed, purchased or attempted to consume, possess or purchase alcoholic liquor in violation of subsection (a) shall notify the parent or parents, custodian or guardian of the person as to the nature of the violation if the name of a parent, custodian or guardian of the person is reasonably ascertainable by the law enforcement agency. The notice required by this subsection shall be made not later than forty-eight (48) hours after the law enforcement agency determines that the person who allegedly violated subsection (a) is less than eighteen (18) years of age and not emancipated pursuant to Public Act No. 293 of 1968. The notice may be made by any means reasonably calculated to give prompt actual notice including, but not limited to, notice in person, by telephone, or by first class mail. If a person less than seventeen (17) years of age is incarcerated for violating subsection (a), his or her parents or legal guardian shall be notified immediately as provided in this subsection.

(i) This section does not prohibit a person less than twenty-one (21) years of age from possessing alcoholic liquor during regular working hours and in the course of his or her employment if employed by a person licensed under state law, by the liquor commission or by an agent of the commission, if the alcoholic liquor is not possessed for his or her personal consumption.

(j) This section shall not be construed to limit the civil or criminal liability of the vendor or the vendor's clerk, servant, agent or employee for a violation of this act.

(k) The consumption of alcoholic liquor by a person less than twenty-one (21) years of age who is enrolled in a course offered by an accredited post secondary educational institution in an academic building of the institution under the supervision of a faculty member is not prohibited by this act if the purpose of the consumption is solely educational and is a necessary ingredient of the course.

(l) The consumption by a person less than twenty-one (21) years of age of sacramental wine in connection with religious services at a church, synagogue or temple is not prohibited by this act.

(m) Subsection (a) does not apply to a person less than twenty-one (21) years of age who participates in either or both of the following:

- (1) An undercover operation in which the person less than twenty-one (21) years of age purchases or receives alcoholic liquor under the direction of the person's employer and with the prior approval of the local prosecutor's office as part of an employer-sponsored internal enforcement action.
- (2) An undercover operation in which the person less than twenty-one (21) years of age purchases or receives alcoholic liquor under the direction of the state police, the liquor commission or a local police agency as part of an enforcement action except that any initial or contemporaneous purchase or receipt of alcoholic liquor by the person less than twenty-one (21) years of age is under the direction of the state police, the liquor commission or a local police agency and is part of the undercover operation. The state police, the liquor commission or a local police agency shall not recruit or attempt to recruit a person less than twenty-one (21) years of age for participation in an undercover operation at the scene of a violation of subsection (a), MCL 436.22 or 436.33.

(n) As used in this section:

- (1) *Probate court disposition* means an order of disposition of the probate court or the family division of the circuit court for a child found to be within the provisions of Public Act No. 288 of 1939, chapter XIIA, being MCL 712A.1 to 712A.32.
- (2) *Work location* means, as applicable, either the specific place or places of employment or the territory or territories regularly visited by the person in pursuance of the person's occupation or both.

(Ord. No. 48A, § 6, 7-17-79; Ord. No. 98-1, 2-17-98)

Editor's note—Ordinance no. 98-1, adopted Feb. 17, 1998, repealed §§ 13-159—13-162, which pertained to the use of alcoholic liquors by underage persons and derived from Ordinance no. 116, §§ 1 and 3—5, adopted June 20, 1966.

State law reference—Similar provisions, MCL 436.33b, MSA 18.1004(2)(1).

Sec. 13-158. Transporting or possessing in vehicle.

(a) No person less than twenty-one (21) years of age shall knowingly possess or transport alcoholic liquors in a motor vehicle within the city unless the person is either employed by the liquor control commission or by a licensee of the commission and is transporting the alcoholic liquors in the course of his employment.

(b) At any time within thirty (30) days following the conviction of any such person for the violation of the provisions of this section, which conviction has become final, complaint may be made by the arresting officer or his superior before the court from which was issued the warrant. Such complaint shall be under oath and shall contain a description of the motor vehicle in which such alcoholic liquor was possessed or transported by the minor in committing such offense and requesting that the motor vehicle be impounded, as provided for in this section. Upon filing of the complaint the court shall issue an order to the owner of such

property to show cause, if any, why the motor vehicle shall not be impounded as provided in this section. Such order to show cause shall have a date and time fixed therein for the hearing thereof, which date shall not be less than ten (10) days from its issuance and shall be served by delivering a true copy thereof to the owner at any time not less than three (3) full days before the date of hearing, or, if the owner cannot be located, by sending a true copy by certified mail to the last known address of the owner. In case the owner is a nonresident of the state, service thereof may be made upon the secretary of state as provided in section 403 of Act No. 300 of the Public Acts of Michigan of 1949 (MCL 257.403, MSA 9.2103), as amended.

(c) If the court determines upon the hearing to such order to show cause, from competent and relevant evidence, that at the time of the commission of such offense the motor vehicle was being driven by the minor with the express or implied consent or knowledge of the owner, and that the use of such motor vehicle is not needed by the owner in the direct pursuit of his employment or the actual operation of his business, the court shall authorize the impounding of such vehicle for a period to be determined by the court, of not less than fifteen (15) days nor more than thirty (30) days. The court's order authorizing the impounding of the vehicle shall authorize any police officer to take possession without other process of such vehicle wherever located and to store the vehicle in a public or private garage at the expense and risk of the owner of the vehicle. Appeal from such order shall lie to the circuit court of the county and the provisions governing the taking of appeals from judgments for damages shall be applicable thereto. Nothing in this section shall prevent any bona fide lienholder from exercising any rights under such lien.

(d) Any person who shall knowingly transfer title to any motor vehicle for the purpose of avoiding the provisions of this section shall be guilty of a misdemeanor.

(Ord. No. 116, § 2, 6-20-66; Ord. No. 148A, § 5, 7-17-79)

Cross reference—Traffic and motor vehicles generally, Ch. 23.

State law reference—Similar provisions, MCL 436.33a, MSA 18.1004(1).

Secs. 13-159—13-185. Reserved.

DIVISION 3. OPEN HOUSE PARTIES

Sec. 13-186. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adult means a person seventeen (17) years of age or older.

Control means any form of regulation or dominion including a possessory right.

Minor means a person not legally permitted by reason of age to possess alcoholic liquors pursuant to state law or this Code.

Residence means a home, apartment, condominium or other dwelling unit and includes the curtilage of such dwelling unit.

Open house party means a social gathering of persons at a residence other than the owner or those with rights of possession or their immediate family members.

(Ord. No. 160, § 1, 6-3-86)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 13-187. Responsibility of adult having control of residence.

No adult having control of any residence shall allow an open house party to take place at such residence if any alcoholic liquor or controlled substance is possessed or consumed at the residence by any minor where the adult knew or reasonably should have known that an alcoholic liquor or controlled substance was in the possession of or being consumed by a minor at the residence, and where the adult failed to take reasonable steps to prevent the possession or consumption of the alcoholic liquor or controlled substance at such residence.

(Ord. No. 160, § 2, 6-3-86)

Sec. 13-188. Exception.

The provisions of this division shall not apply to legally protected religious observances.

(Ord. No. 160, § 3, 6-3-86)

Secs. 13-189—13-210. Reserved.

DIVISION 4. DRUG PARAPHERNALIA

Sec. 13-211. Defined.

Drug paraphernalia means all equipment, products and materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, producing, processing, preparing, testing, analyzing, packaging, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of state or local law. It includes, but is not limited to:

- (1) Kits used, intended for use or designed for use in planting, propagating, cultivating, growing or harvesting any species of plant which is a controlled substance or from which a controlled substance can be derived;
- (2) Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substance;
- (3) Isomerization devices used, intended for use or designed for use in increasing the potency of any pieces of plant that is a controlled substance;
- (4) Testing equipment used, intended for use or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances;

- (5) Scales and balances used, intended for use or designed for use in weighing or measuring controlled substances;
- (6) Dilutents and adulterants, such as quinine hydrochloride mannitol, mannite, dextrose and lactose used, intended for use or designed for use in cutting controlled substances;
- (7) Separation gins and sitters used, intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;
- (8) Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding controlled substances;
- (9) Capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of controlled substances;
- (10) Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances;
- (11) Hypodermic syringes, needles and other objects used, intended for use or designed for use in parenterally injected controlled substances in the human body;
- (12) Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:
 - a. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls,
 - b. Water pipes,
 - c. Carburetion tubes and devices,
 - d. Smoking and carburetion mask,

- e. Roach clips, meaning objects used to hold burning materials such as a marijuana cigarette that has become too small or too short to be held in the hand,
- f.. Miniature cocaine spoons and cocaine vials,
- g. Chamber pipes,
- h. Carburetor pipes,
- i. Electric pipes,
- j. Air-driven pipes,
- k. Chillums,
- l. Bongs,
- m. Ice pipes or chillers.

(Ord. No. 165, § 1(A), 1-5-88)

Cross reference-Definitions and rules of construction generally, § 1-2.

Sec. 13-212. Determination

In determining whether an object is drug paraphernalia, a court or other authority should consider in addition to all the other logically relevant factors, the following:

- (1) Statements by an owner or by anyone in control of the objects concerning its use;
- (2) Prior to convictions, if any, of an owner or of anyone in control of the object, under any state of federal law relating to any controlled substances;
- (3) The proximity of the object, in time and space, to a direct violation of state law;
- (4) The proximity of the object to controlled substances;
- (5) The existence of any residue of controlled substances on the object;
- (6) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object to deliver it to persons whom he knows, intends to use the object to facilitate a violation of state or local law; the innocence of an owner, or of anyone in control of the object, as to a direct violation of state law shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;
- (7) Instruction, oral or written, provided with the object concerning its use;
- (8) Descriptive materials accompanying the object which explain or depict its use;
- (9) National and local advertising concerning its use;
- (10) The manner in which the object is displayed for sale;
- (11) Whether those owners, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
- (12) Direct or circumstantial evidence of the ratio of sales of the objects to the total sales of the business enterprise;

(13) The existence and scope of legitimate uses for the object in the community;

(14) Expert testimony concerning its use.

(Ord. No. 165, § 1(B), 1-5-88)

Sec. 13-213. Possession

It shall be unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of state or local law.

(Ord. No. 165, § 2, 1-5-88)

Sec. 13-214. Manufacture, delivery or sale.

It shall be unlawful for any person to deliver, sell, possess with intent to deliver or sell or manufacture with intent to deliver or sell drug paraphernalia, knowing that it will be used to plant, convert, produce, process, prepare, test, analyze, pack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of state law.

(Ord. No. 165, § 3, 1-5-88)

Sec. 13-215. Advertisement.

It shall be unlawful for any person to place any newspaper, magazine, handbill, sign, poster or other publication any advertisement, knowing that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

(Ord. No. 165, § 4, 1-5-88)

Sec. 13-216. Exceptions.

The division shall not apply to manufactures, wholesalers, jobbers, licensed medical technicians, technologists, nurses, hospitals, research teaching institutions, clinical laboratories, medical doctors, osteopathic physicians, dentists, chiropractists, veterinarians, pharmacists and embalmers in the normal legal course of their respective business or profession, nor to persons suffering from diabetes, asthma or any other medical condition requiring self-injection.

(Ord. No. 165, § 5, 1-5-88)

Sec. 13-217. Civil forfeiture.

Any drug paraphernalia used, sold, possessed with intent to use or sell, or manufactured with intent to sell in violation of this division shall be seized and forfeited to the city.

(Ord. No. 165, § 6, 1-5-88)

Sec. 13-218. Delivery or sale to a minor.

An individual eighteen (18) years of age or over who violates section 12-214 by delivering or selling drug paraphernalia to an individual under eighteen (18) years of age, knowing that it will be used to plant, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of state law, shall be deemed guilty of misdemeanor and shall be punished by a fine of not less than two hundred fifty dollars (\$250.00), nor more than five hundred dollars (\$500.00), and by imprisonment of not less than three (3) days nor more than ninety (90) days, in the discretion of the court. (Ord. No.165, § 8, 1-5-88)

ARTICLE VIII. OFFENSES PERTAINING TO PARENTAL RESPONSIBILITY***Sec. 13-219. Definitions.**

As used in this article:

Delinquent acts means those acts which violate the laws of the United States, or the statutes of the state or the ordinances of the city or those acts which would cause or tend to cause the minor to come under the jurisdiction of the juvenile division of the probate court as defined by MCLA 712A.2, but does not include traffic violations.

Illegal drugs means controlled substances obtained without a legal prescription.

Juvenile delinquent means those minors whose behavior interferes with the rights of others or menaces the welfare of the community.

Minor means any person under the age of eighteen (18) years residing with a parent.

Parent means mother, father, legal guardian and any other person having the care of custody of a minor or any person acting in the parents' stead who has custody or control of the minor. (Ord. No. 96-06, § 3, 10-1-96)

Sec, 13-220. Parental duties.

(a) It is the continuous duty of the parent of any minor to exercise reasonable control to prevent the minor from committing any delinquent act.

***Editor's note**—Ord. No. 96-06, § 1, adopted Oct. 1, 1996, provided that Ch. 13, Art. 8, § 12-219 be amended to read as follows. Inasmuch as no provisions bearing that designation had been set out, §§ 3-6 of such ordinance were designated as Art. VIII. §§ 13-219—13-222; by the editor.

Cross references—Malicious mischief, § 13-46; curfew for minors, §13-56; substances control, § 13-131 et. Seq.

(b) Included (without limitation) in this continuous duty of reasonable parental control are the following parental duties:

- (1) To keep illegal drugs or illegal firearms out of the home and legal firearms locked in places that are inaccessible to the minor.
- (2) To know the curfew ordinances of the city and to require the minor to observe the curfew ordinance.
 - a. No minor shall be upon any of the public streets or alleys of the city, nor shall such person loiter or linger about any of the public buildings or private business places of the city after the hour of 10:00 p.m., of any day, unless such person has attained the age of sixteen (16) years.
 - b. No minor aged sixteen (16) years, but not yet seventeen (17), shall be upon any of the public streets or alleys of the city nor shall such person loiter or linger about any of the public buildings or business places of the city after the hour of 11:00 p.m. of any day.
 - c. No minor aged seventeen (17) years, but not yet eighteen (18), shall be upon any of the public streets or alleys of the city, nor shall such person loiter or linger about any of the public buildings or business places of the city after 12:00 midnight of any day.
 - d. No minor shall be upon any of the public streets or alleys of the city, nor shall such person loiter or linger about any of the public buildings or business places of the city before the hours of 5:00 a.m. of any day.
 - e. The restrictions of this section shall not apply to a minor in the company of his parent, guardian or some person of mature age with the express consent of the parent or guardian. The provisions of this section shall also not apply to minors engaged in or going to or from lawful employment requiring them to be upon the streets after or before such hours.
 - f. Subsections a and b of this section shall not apply when the child is with the parent, legal guardian, or adult selected by the parent or legal guardian to be with the child or if the child is over twelve (12) years of age and is upon an errand or other legitimate business directed by his parent or guardian and has proof of such permission.
- (3) To require the minor to attend regular school sessions and to forbid the minor to be absent from class without parental or school permission.
- (4) To arrange proper supervision for the minor when the parent must be absent.
- (5) To take the necessary precautions to prevent the minor from maliciously or willfully destroying real, personal or mixed property which belongs to the city, or is located in the city.
- (6) To forbid the minor from keeping stolen property, illegally possessing firearms or illegal drugs, or associating with known juvenile delinquents, and to seek help from appropriate governmental authorities or private agencies in handling or controlling the minor when necessary.

(Ord. No. 96-06, § 4, 10-1-96)

Sec. 13-221. Notification of parents; record of notification.

(a) Whenever a minor is arrested or detained for the commission of any delinquent act within the city, the parent of the minor shall be immediately notified by the Algonac Police Department, advising the parent of such arrest or detention, the reason therefor, and the parent's responsibility under this article.

(b) A record of such notifications shall be kept by the youth bureau of the Algonac Police Department.

(Ord. No. 96-06, § 5, 10-1-96)

Sec. 13-222. Parental violation and penalty.

(a) No parent or guardian of any minor under the age of eighteen (18) years shall fail to exercise reasonable parental control over such minor. An adjudication that said minor has violated a provision of this Code which is a misdemeanor or a finding that such minor is responsible for a violation of this Code which is deemed a civil infraction shall be prima facie evidence that said parent or guardian failed to exercise reasonable parental control.

(b) Pursuant to the violation of this Code, the parent/guardian of minor shall be held civilly responsible for the damages caused by the commission of any delinquent act within the city.

(c) Upon the first conviction of a violation of this article, the parent shall be subject to a fine of not less than seventy-five dollars (\$75.00), nor more than one hundred dollars (\$100.00).

(d) Upon the second conviction of a violation of this article, the parent shall be subject to a fine of not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00), and in addition, shall be sentenced to probation with the condition that the parent participate in, through completion, a court approved community-based treatment program (such as parenting skills, family services, employment and training, etc.) or, at the discretion of the court, be imprisoned for a period of up to thirty (30) days.

(e) Upon the third or subsequent violation and conviction, the parent shall be subject to a fine of not less than two hundred dollars (\$200.00), nor more than five hundred dollars (\$500.00), and at the discretion of the court, imprisoned for a period of up to ninety (90) days.

(Ord. No. 96-06, § 6, 10-1-96)

ARTICLE IX. POSSESSION OF TOBACCO PRODUCTS BY MINORS**Sec. 13-240. Possession by minors prohibited.**

No person under the age of eighteen (18) shall purchase, offer or attempt to purchase, have in their possession or use cigarettes, cigars or any product which is intended for the formation of a smoking device, tobacco, tobacco snuff, chewing tobacco or any other tobacco product in any other form.

(Ord. No. 2000-7, § 1, 12-19-00)

Sec. 13-241. Penalties for violation.

Any person who shall violate this article shall be liable for a civil infraction fine of not more than fifty dollars (\$50.00).

(Ord. No. 2000-7, § 1, 12-19-00)